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Patent  
Docket No: 56950US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DYKHOFF, Michael G.

Group Art Unit: 1772

Serial No.: 09/925,553

Filing Date: Under Petition

Examiner: Rhee

For: FIRE STOP ARTICLE

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:	
September 12, 2002	<i>Davis B. Patchett</i>
Date	Signature

**PETITION UNDER 37 CFR §1.10(d) TO CORRECT  
INCORRECTLY ENTERED "DATE-IN"**

Office of Petitions  
Commissioner for Patents  
Washington, DC 20231

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Dear Sir:

This is a petition under 37 CFR §1.10(d) to accord the correspondence a filing date as of the date the correspondence was deposited with the United States Postal Service. More specifically, the correspondence was deposited with the United States Postal Service on August 9, 2001. The "date-in" on the "Express Mail" mailing label, however, was incorrectly entered by a United States Postal Service employee as August 8, 2001, and the Patent and Trademark Office accorded the correspondence a filing date of August 8, 2001.

Attached is a copy of the first page of the papers constituting the correspondence showing both that the correspondence was mailed with Express Mail Mailing Label No. EL597085739US, and showing that the number of the "Express Mail" mailing label was placed on the correspondence prior to the original mailing by "Express Mail." Also attached is a copy of a Corporate Account Mailing Statement obtained by Petitioner from the United States Postal Service for account number 551399 for the period beginning July 14, 2001 and ending on August 8, 2001, showing that the correspondence bearing Express Mail Label No. EL597085739US was deposited with the United States Postal Service on August 9, 2001. The Express Mail Label shows that the correspondence was deposited at 3:00 PM, before the last scheduled pickup.

Accordingly, the correspondence should be accorded a filing date as of August 9, 2001, the date the correspondence was deposited with the United States Postal Service. Applicant hereby respectfully petitions the USPTO to accord the correspondence the filing date of August 9, 2001.

This petition is being filed promptly after the undersigned became aware that the USPTO accorded a filing date based upon an incorrect entry by the United States Postal Service.

It is believed that no fee is due for this petition. However, if a fee is due for this petition, please charge fee to Deposit Account 13-3723.

Registration Number 39,326	Telephone Number (651) 736-4713
Date September 12, 2002	

Respectfully submitted,

By

David B. Patchett  
David B. Patchett

Office of Intellectual Property Counsel  
3M Innovative Properties Company  
P.O. Box 33427  
St. Paul, Minnesota 55133-3427  
Facsimile: (651) 736-3833

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ACCOUNT NO: 551399

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(B) TOTAL ADJUSTMENTS (#):						0.00	0.00	0.00			
(C) TOTAL REFUNDS (*):						0.00	0.00	0.00			
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